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	Application No.	Applicant(s)	
Office Action Commons	09/943,366	HARTH, KLAUS-PETER	
Office Action Summary	Examiner	Art Unit	
	William E. Tapolcai	3744	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on			
	is action is non-final.		
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4)⊠ Claim(s) <u>1-24</u> is/are pending in the application			
4a) Of the above claim(s) is/are withdrawn from consideration.			
5) Claim(s) is/are allowed.			
6) Claim(s) is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) 1-24 are subject to restriction and/or 6	election requirement.		
Application Papers			
9) The specification is objected to by the Examine			
10) The drawing(s) filed on is/are: a) accept			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.			
If approved, corrected drawings are required in reply to this Office action.			
12) The oath or declaration is objected to by the Examiner.			
Priority under 35 U.S.C. §§ 119 and 120			
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a)⊠ All b)□ Some * c)□ None of:			
1.⊠ Certified copies of the priority documents			
2. Certified copies of the priority documents			
<ul><li>3. Copies of the certified copies of the prior application from the International But</li><li>* See the attached detailed Office action for a list</li></ul>	reau (PCT Rule 17.2(a)).		
14) Acknowledgment is made of a claim for domestic	c priority under 35 U.S.C. § 119(	e) (to a provisional application).	
<ul> <li>a) ☐ The translation of the foreign language pro</li> <li>15)☐ Acknowledgment is made of a claim for domesting</li> </ul>			
Attachment(s)	. , ,		
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)	
S. Patent and Trademark Office			

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- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-22, drawn to a cooling fan system for a vehicle, classified in class 62, subclass 239.
  - II. Claims 23 and 24, drawn to a method of operating a fuel cell system, classified in class 123, subclass 41.01.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as one that does not require the different maintaining steps.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. This application contains claims directed to the following patentably distinct species of the claimed invention: Figs. 1A-1C, 2, 3A-3C, 4A-4C, and 5A-5B.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (703)

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308-2640. The examiner can normally be reached on Mon. - Thurs., 6:30 to 4 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Denise L. Esquivel can be reached on (703) 308-2597. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0975.

> William E! Tapolcai **Primary Examiner** Art Unit 3744

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